



Cumbria SEND Information, Advice and Support Service

Offering impartial information, advice and support to children and young people with special educational needs and or disabilities and their parents & carers.

Information, Advice and Support

Section 19 of the Children and Families Act sets out the key principles which all local authorities must have regard to when exercising their functions under the Act. One of those key principles is:

“the importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable participation in those decisions”.

The provision of information, advice and support should be done through a dedicated and easily identifiable service, and local authorities should provide these services.

Legal Duties

The central duty to provide advice and information is set out in section 32 of the Act and requires that local authorities must arrange for children and young people for whom it is responsible, and the parents of children for whom it is responsible, to be provided with advice and information about matters relating to the special educational needs and disabilities of the children or young people concerned.

The local authority must take steps to ensure that these services provided are known to:

Parents of children in its area;

Children in its area

Young people in its area

Head teachers, proprietors and principals of schools and post-16 institutions in its area

Other such persons as appropriate

There are also specific duties to provide information, advice and support in relation to the following parts of the new Act:

Joint Commissioning arrangements – section 26(3) of the Act provides that joint commissioning arrangements between a local authority and its partner commissioning bodies must include arrangements for considering and agreeing:

- What advice and information is to be provided about education, health and care provision;
- By whom, to whom and how such advice and information is to be provided.

Personal Budgets – regulation 3 of the Special Educational Needs (Personal Budgets) Regulations 2014 provides that where a local authority maintains an EHC plan or is securing the preparation of an EHC plan it must make arrangements for the provision of the following information to be made available to the child's parent or young person:

- The provision for which a personal budget may be available;
- Details of organisations that provide advice and assistance in connection with personal budgets; and
- The conditions which must be met before direct payments may be made.

EHC needs assessments – regulation 9 of the Special Educational Needs and Disability Regulations 2014 provides that when securing an EHC needs assessment the local authority must consider whether the child's parents or the young person requires any information, advice and support in order to enable them to take part effectively in the EHC needs assessment, and if it consider that such information, advice or support is necessary, it must provide it.

The Local Offer – this must contain details of how information, advice and support can be accessed and how it is resourced.

Who can access information, advice and support?

Although many children will access information, advice and support services via their parents, the local authority must also ensure that it is possible for children to access information, advice and support separately from their parents.

Once a young person reaches 16, and subject to them having capacity, certain rights transfer from the parents to the young person themselves. However, Parents can still access information, advice and support on behalf of, or with the young person.

In the event that there is disagreement between parents and the young person, staff providing information, advice and support should work impartially and separately with both the parents and the young person.

Young people must be provided with confidential and impartial information, advice and support from staff who are trained to enable them to participate fully in decisions. This should include support and advice to take up and manage Personal Budgets, and IAS services should direct young people to specialist support in relation to employment, independent living and access to careers advice and advocacy where necessary. Separate factsheets on advocacy for young people and preparing for adulthood are available.

How should information, advice and support be provided?

Local authorities must consider providing the following types of support:

- Signposting to additional sources of advice, information and support that may be available;
- Individual casework and representation for those who need it which should include support in meetings, contributing to assessments and reviews;
- Help when things go wrong, including arranging or attending early disagreement resolution meetings, supporting in managing mediation, appeals, exclusions and complaints.

Local authorities should also provide key working support to provide children, young people and parents with a single point of contact to help ensure the holistic provision and co-ordination of services and support.



When designing information, advice and support services, local authorities should take into account the following principles:

- The information, advice and support should be impartial and provided at arm's length from the local authority and CCGs
- The information, advice and support offered should be free, accurate, confidential and in formats which are accessible and responsive to the needs of users
- Local authorities should review and publish information annually about the effectiveness of the information, advice and support provided, including customer satisfaction
- Staff providing information, advice and support should work in partnership with children, young people, parents, local authorities, CCGs and other relevant partners
- The provision of information, advice and support should help to promote independence and self-advocacy for children, young people and parents
- Staff providing information, advice and support should work with their local Parent Carer Forum and other representative user groups to ensure that the views and experiences of children, young people and parents inform policy and practice

Further information in relation to local authorities' duties to provide impartial information, advice and support can be found in Chapter 2 of the SEND Code of Practice: 0 to 25.

The Minimum Standards for Information Advice and Support Services (IASS, sometimes known in Cumbria as SENDIASS) were finalised in September 2018. These are part of the IAS Programme.

The standards were drawn up by a group of IASS managers, parents, LA reps and the chair of the IASP board, in consultation with the DfE. They are based on the law, the SEND Code and the IASS Quality Standards (which they now supercede). The consultation process received feedback from IAS Services, LA staff, third sector organisations, health services and parents.

The term 'advocacy' is used in these standards, and a definition of advocacy is used which the IASP believes accurately describes the work and role of IASS:

"Advocacy means getting support from another person to help you express your views and wishes and help you understand and exercise your rights. IASS do not fulfil the role of statutory advocates - more info here –

<https://www.mind.org.uk/information-support/guides-to-support-and-services/advocacy/legal-rights-to-advocacy/#>

nor do they provide legal advocacy as provided by a lawyer.

An advocate can:

- listen to your views and concerns
- help you explore your options and rights (without pressuring you)
- provide information to help you make informed decisions
- help you contact relevant people, or contact them on your behalf
- accompany you and support you in meetings or appointments.

An advocate will not:

- give you their personal opinion
- solve problems and make decisions for you
- make judgements about you.



The support of an advocate is often particularly useful in meetings when you might not feel confident in expressing yourself. They can:

- support you to ask all the questions you want to ask
- make sure all the points you want covered are included in the meeting
- explain your options to you without giving their opinion
- help keep you safe during the meeting – for example, if you find the meeting upsetting, your advocate can ask for a break until you feel able to continue.